

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No.	SACV 16-00638-CJC (KESx)	Date	July 7, 2016
Title	All Star Produce, et al v. Ruby s At Whaler s Village LLC, et al.		

Present: The Honorable CORMAC J. CARNEY, UNITED STATES DISTRICT JUDGE

Melissa Kunig

Deputy Clerk

None Present

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

None Present

Attorneys Present for Defendants:

None Present

Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE RE DISMISSAL FOR LACK OF PROSECUTION

The Court, on its own motion, hereby ORDERS plaintiff, to show cause in writing no later than, **July 14, 2016**, why this action should not be dismissed for lack of prosecution. As an alternative to a written response by plaintiffs, the Court will consider the filing of one of the following, as an appropriate response to this OSC, on or before the above date:

X Plaintiff filing a Motion for Entry of Default Judgment (FRCivP 55b) against defendants Ruby s Diner Inc., Ruby s Diner Hawaii LLC, Doug S. Cavanaugh, Ralph Kosmides, Ron Sirac, and Michael Berumen

The Court further **ORDERS** Plaintiff to show cause in writing no later than **July 14, 2016**, why this action should not be dismissed for lack of prosecution. As an alternative to a written response by plaintiff, the Court will consider the filing of one of the following, as an appropriate response to this OSC, on or before the above date:

X Proof of service of summons and complaint as to defendants Ruby s At Whaler Village, Ruby s Kaanapali LLC, Ruby s West Maui LLC, Ruby s Kaahumanu LLC, Fred Lefranc, and Thomas Jenkins

X Notice of Voluntary Dismissal (FRCivP 41)

Absent a showing of good cause, an action shall be dismissed if the summons and complaint have not been served upon all defendants within 90 days after the filing of the complaint. Fed. R. Civ. P 4(m). The Court may dismiss the entire action prior to the expiration of such time, however, if plaintiff has not diligently prosecuted the action.

It is plaintiff's responsibility to respond promptly to all Orders and to prosecute the action diligently, including filing proofs of service and stipulations extending time to respond. If necessary, plaintiffs must also pursue Rule 55 remedies promptly upon the default of any

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defendant. All stipulations affecting the progress of the case must be approved by the Court. Local Rule 7-1.

No oral argument of this matter will be heard unless ordered by the Court. The Order will stand submitted upon the filing of a responsive pleading or motion on or before the date upon which a response by plaintiffs is due.

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Initial of Deputy Clerk mku